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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,597	09/25/2003	Riku Mikko Mettala	KOLS.053PA	7489
7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425				
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EXAMINER				
RAYYAN, SUSAN F				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Office Action Summary

Application No.

10/670,597

Applicant(s)

METTALA ET AL.

Examiner

SUSAN FOSTER RAYYAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-44 are currently pending. Claims 23-44 are newly added.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d) (1) and MPEP § 608.01(o). Correction of the following is required: computer-readable data storage medium.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 10-13, 14-18, 19, 20, 21, 22, 23-26, 27-44 are rejected as being directed to non-statutory subject matter.

Regarding claim 10 is directed to a telecommunications system comprising at least one terminal, at least one synchronization server, a first database in the terminal, and a second database, in which system the synchronization server is configured to form a configuration message comprising data required for the application data synchronization, said data comprising settings of at least the second database, the synchronization server is configured to transmit said configuration message to the terminal, the terminal is configured to store said data in the received configuration message to a memory medium, the terminal is configured to retrieve at least part of said data as a response to a

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need for a synchronization service, the terminal and the synchronization server are configured to establish a synchronization connection between the terminal and the synchronization server for the performance of the synchronization, the terminal and the synchronization server are configured to initialize the synchronization using the configured synchronization connection and at least part of said data and the synchronization server is configured to synchronize data of at least the first database and the second database using at least part of said data. The claims have interpreted as software per se. At least one of the claimed elements of an apparatus claim must include physical hardware. Claims 10-13 are rejected as being directed to software per se.

Claim 12 is directed to a synchronization server configured to synchronize application data of at least a first database of a terminal and a second database, wherein said synchronization server is further configured to form a configuration message comprising data required for the application data synchronization, said data comprising settings of at least the second database, to transmit said configuration message from the synchronization server to the terminal, to initialize synchronization, using an arranged synchronization connection and at least part of said data transmitted by the terminal during the initialization, and to synchronize data of at least the first database and the second database using at least part of said data. The claims have interpreted as software per se. At least one of the claimed elements of an apparatus claim must include physical hardware. Claims 12-13 are rejected as being directed to software per se.

Regarding claim 14 is directed to a telecommunications device configured to arrange application data synchronization of a first database in the telecommunications device with at least one synchronization server and a second database, whereby said telecommunications device is configured to receive at least one configuration message comprising data required for the application data synchronization from the synchronization server, said data comprising settings of at least the second database to store said data in its memory, to retrieve at least part of said data as a response to a need for a synchronization service, to establish a synchronization connection between the telecommunications device and the synchronization server to perform the synchronization , to initialize synchronization with the synchronization server using at least part of said data retrieved from memory. The claims have interpreted as software per se. At least one of the claimed elements of an apparatus claim must include physical hardware. Claims 14-18 are rejected as being directed to software per se.

Regarding claim 19 is directed to a computer program, which can be loaded into the internal memory of a telecommunications device comprising at least a first database and comprises code to be executed in the telecommunications device for causing the telecommunications device to: receive at least one configuration

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message comprising data required for the application data synchronization, said data comprising at least settings of the second database, store said data in its memory, arrange a synchronization connection between the telecommunications device and the synchronization server to perform the synchronization, retrieve at least part of said data as a response to a need for a synchronization service and initialize synchronization with the synchronization server using at least part of said data retrieved from the memory. The claims are directed to software per se. Claims 19, 23 are rejected as being directed to software per se.

Regarding claims 20, 24 are directed to a computer-readable data storage medium wherein said data storage medium comprises a computer program which can be loaded into an internal memory of a telecommunications device comprising at least a first database and comprises code to be executed in the telecommunications device for causing the telecommunications device to: receive at least one configuration message comprising data required for the application data synchronization, said data comprising at least settings of the second database, store said data in its memory, arrange a synchronization connection between the telecommunications device and the synchronization server to perform the synchronization, retrieve at least part of said data as a response to a need for a synchronization service and initialize synchronization with the synchronization server using at least part of said data retrieved from the

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memory The claims are directed to software per se. Claims 20,24 are rejected as being directed to software per se.

Regarding claim 21 is are directed to a computer program which can be loaded into an internal memory of a computer functioning as a synchronization server, wherein said computer program comprises code to be executed in the synchronization server for causing the synchronization server to: form a configuration message comprising data required for the application data synchronization, which said data comprises settings of at least a second database, transmit said configuration message from the synchronization server to at least one terminal, initialize synchronization using the configured synchronization connection and at least part of said data transmitted by the terminal during the initialization and synchronize data of at least a first database and the second database using at least part of said data. The claims are directed to software per se. Claims 21, 25 are rejected as being directed to software per se.

Claims 21, 25 are rejected as being directed to software per se.

Claims 22, 26 are rejected as being directed to software per se.

Regarding claim 27 is directed to an apparatus comprising a processing unit configured to: form a configuration message comprising data required for

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application data synchronization, said data comprising settings of at least a second database, transmit said configuration message to a client, initialize synchronization, using an arranged synchronization connection and at least part of said data transmitted by the client during the initialization and synchronize data of at least a first database and the second database using at least part of said data. The claims have interpreted as software per se. At least one of the claimed elements of an apparatus claim must include physical hardware. Claims 27-35 are rejected as being directed to software per se.

Regarding claim 36 is directed to An apparatus comprising a processing unit configured to: receive at least one configuration message comprising data required for application data synchronization from a synchronization server, said data comprising settings of at least a second database, store said data in a memory, retrieve at least part of said data as a response to a need for a synchronization service, establish a synchronization connection with the synchronization server to perform the synchronization and initialize synchronization with the synchronization server using at least part of said data retrieved from the memory. The claims have interpreted as software per se. At least one of the claimed elements of an apparatus claim must include physical hardware. Claims 36-44 are rejected as being directed to software per se.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-3, 5, 10-14, 16-17, 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication (2002/0099727) issued to Donald Kadyk et al (“Kadyk”).

As per claim 1 Kadyk anticipates:

A method of arranging data synchronization of at least one application in a networked system comprising at least one terminal (Figure 2:260), at least one synchronization server(Figure 2:210), a first database in the terminal (Figure 2:268), and a second database(Figure 2:218) (see Figure 2 and abstract) , the method comprising:

forming a configuration message (paragraph 47, as update notifications) comprising data (notifications contain at least changes and token, fig.2:290)

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required for the application data synchronization (paragraph 43 and figure 1: 136a, contact and calendar applications and paragraph 47, synchronize data), said data comprising settings of at least the second database (parg. 54, notification contain token which are unique to the server sending the notification);

transmitting said configuration message from the synchronization server to the terminal (paragraph 47, notifications are sent to the client, Figure 2, ref.no. 216 and 210);

storing said data to a memory medium (clients store the notifications as notifications, the notifications include changes and tokens Figure 2: 290 and ref.no.268);

retrieving at least a part of said data as a response to a need for a synchronization service (paragraph 55, a synchronization request from client to the server including receiving tokens back from the client and paragraphs 49-50);

initializing the synchronization using the a synchronization connection between the terminal and the synchronization server and at least part of said data retrieved from the memory medium (paragraph 49-50, 55, a synchronization request from client to the server including receiving tokens back from the client); and synchronizing data of at least the first database and the second database using at least part of said data (paragraph 50, as receives new collection and

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missing changes, the new collection contains all tokens necessary to represent the current state of the data).

As per claim 2 same as claim arguments above and Kadyk anticipates: wherein the settings of said at least second database comprise at least the name of the second database, the data on the content types supported, and an address, such a URI indicator, and at least said address is transmitted in the initialization of the synchronization session preceding the data synchronization from the terminal to the synchronization server as a response to the need to synchronize data of the second database (paragraph 43, as data types and paragraph 49, lines 1-6, as client issues synchronization request to server and server receives tokens, starting point and collections from client)

As per claim 3 same as claim arguments above and Kadyk anticipates: wherein said data further comprises user text, and the user text is displayed to the user of the terminal (paragraph 22, display representative amount of message).

As per claim 5 same as claim arguments above and Kadyk anticipates: wherein said configuration message comprises at least one field which defines whether said data is new, replacing previous data or complementary (paragraph 32, as token identifies data and region that the data represents).

Claim 16 is rejected under the same rationale as claim 3 arguments.

Claims 10, 12, 14, 19-22 are rejected under the same rationale as claim 1 arguments.

Claims 11, 13, 17 are rejected under the same rationale as claim 2 arguments.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication (2002/0099727) issued to Donald Kadyk et al ("Kadyk") in view of US Patent Number 6,308,201 issued to Alvin Pivowar et al ("Pivowar").

As per claim 9 same as claim arguments above and Kadyk does not teach wherein said data comprises settings of a plurality of databases, and data of at least the first database and said plurality of databases is synchronized using at least part of said data. Pivowar teaches this limitation (paragraph 6, lines 20-26) to promote organization among multiple different users. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify with Kadyk with wherein said data comprises settings of a plurality of databases, and data of at least the first database and said plurality of databases is synchronized using at least part of said data to synchronize data between a plurality of different PDAs to promote organization among multiple different users as described by Pivowar (column 2, lines 9-11).

Claims 4, 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication (2002/0099727) issued to Donald Kadyk et al ("Kadyk") in view of US 6,643,669 issued to Novak et al ("Novak").

As per claim 4 same as claim arguments above and Kadyk does not explicitly teach

wherein said data further comprises settings defining the timing of the synchronization, and the formation of the synchronization connection and the initialization of the synchronization is started from the terminal at the moment of time according to said settings however Novak does teach this limitation at col.3, line 57 to col.4, line 2 to enable the process to be carried out in a faster manner. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kadyk with wherein said data further comprises settings defining the timing of the synchronization, and the formation of the synchronization connection and the initialization of the synchronization is started from the terminal at the moment of time according to said settings to enable the process to be carried out in a faster manner as described by Novak at col.1, lines 45-55.

As per claim 7 same as claim arguments above Kadyk does not explicitly teach wherein said configuration message is transmitted using one or more of the following protocols: SMS, OBEX, HTTP, or WAP (wireless application protocol). Novak does teach this limitation col. 3, lines 30-32. It would have been obvious to

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a person of ordinary skill in the art at the time of the invention was made to modify Kadyk with wherein said configuration message is transmitted using one or more of the following protocols: SMS, OBEX, HTTP, or WAP to enable the process to be carried out in a faster manner as described by Novak at col.1, lines 45-55.

Claim 15 is rejected under the same rationale as claim 4 arguments.

Claims 6,8,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication (2002/0099727) issued to Donald Kadyk et al in view of US 2002/0116500 issued to Akhil Arora et al ("Arora").

As per claim 6 same as claim arguments above and Kadyk does not explicitly teach

wherein said configuration message is an XML document in a binary or text format. Arora does teach this limitation at parg. 23-26. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kadyk with wherein said configuration message is an XML document in a binary or text format to conveniently share data among different users.

As per claim 8 same as claim arguments above and Kadyk does not explicitly teach wherein the data transmission between the synchronization server and the wireless terminal is based on the WAP protocol stack and the initialization of the synchronization session and the synchronization is based on the SyncML synchronization protocol performed on top of the WAP protocol stack. Arora does teach this limitation at parg. 23-26. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kadyk with wherein the data transmission between the synchronization server and the wireless terminal is based on the WAP protocol stack and the initialization of the synchronization session and the synchronization is based on the SyncML synchronization protocol performed on top of the WAP protocol stack to conveniently share data among different.

Claim 18 is rejected under the same rationale as claim 8 arguments.

5. Claims 23-44 are rejected based on the same rationale as claims 1-9.

Response to Arguments

6. Applicant's arguments filed March 11, 2008 have been fully considered.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a configuration message that is transmitted prior to a synchronization procedure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. Applicant argues Kadyk does not teach configuration messages comprising data including settings of at least a second database. Examiner respectfully disagrees Kadyk teaches this at (parg. 54, notification contain token which are unique to the server sending the notification). The token equates to the settings.

9. Applicant traverses the rejection of claims -8 and 18 based on part on Leppinen as Leppinen is owned by Nokia. Applicant's arguments are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 2002/0116500 issued to Akhil Arora et al ("Arora"). See rejection above.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Rayyan

July 2, 2008

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167

